

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-44602

TYSON PAUL DOMURAT,

Chapter 7

Debtor.

Judge Thomas J. Tucker

CLIFTON MILLER, *pro se*,

Plaintiff,

v.

Adv. Pro. No. 09-4869

TYSON DOMURAT,

Defendant.

ORDER DISMISSING ADVERSARY PROCEEDING

On November 12, 2009, the Plaintiff Clifton Miller filed a letter (Docket # 22, the “Motion”), which the Court construed as a motion for relief from the Court’s October 26, 2009 Order dismissing the adversary proceeding (Docket # 21) and for reinstatement of this adversary proceeding. The Court held a hearing on the Motion on December 9, 2009. Confirmation action taken at the hearing, on December 9, 2009, the Court entered an order entitled “Order Granting Plaintiff’s Motion to Reinstate Adversary Proceeding, With Condition, and Further Scheduling Order” (Docket # 27). The Order provided, in relevant part:

IT IS ORDERED that the Motion (Docket # 22), is granted, the October 26, 2009 dismissal order is vacated, and this adversary proceeding is reopened, all subject to the following condition: no later than **January 8, 2010**, Plaintiff Clifton Miller must pay \$150.00 in attorney fees to Scott Lawrence, Defendant’s attorney.

...

IT IS FURTHER ORDERED that if Plaintiff fails to pay

\$150.00 to Scott Lawrence on or before January 8, 2010, upon the filing of an affidavit of non-compliance by attorney Scott Lawrence, the case once again will be dismissed.

On January 8, 2010, Defendant's attorney Scott Lawrence filed an "Affidavit of Non-Compliance" (Docket # 28), which states that he did not receive the \$150.00 in attorney fees required by the Court's December 9, 2009 Order (Docket # 27). On January 11, 2010 Plaintiff filed a letter regarding his failure to timely comply with the Court's December 9, 2009 Order (Docket # 29). On January 14, 2010 Scott Lawrence filed a response to Plaintiff's letter (Docket # 30).

The Court has reviewed the foregoing items, and concludes that (1) a further hearing is not necessary; and (2) this adversary proceeding should again be dismissed, for Plaintiff's failure to timely comply with the Court's December 9, 2009 Order. Accordingly,

IT IS ORDERED that this adversary proceeding is DISMISSED.

Signed on January 15, 2010

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge